

## Message

**From:** Short, Thomas [short.thomas@epa.gov]  
**Sent:** 7/12/2018 5:39:25 PM  
**To:** Marlinga, Richard [marlinga.richard@epa.gov]; Newton, Cheryl [Newton.Cheryl@epa.gov]; Ballotti, Doug [ballotti.douglas@epa.gov]  
**Subject:** RE: Situation at Grose Ile

Thanks Rick. I certainly recognize the need for improved coordination with HR and RMD if this should happen again.

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**From:** Marlinga, Richard  
**Sent:** Thursday, July 12, 2018 9:05 AM  
**To:** Newton, Cheryl <Newton.Cheryl@epa.gov>; Short, Thomas <short.thomas@epa.gov>; Ballotti, Doug <ballotti.douglas@epa.gov>  
**Cc:** Sypniewski, Bruce <sypniewski.bruce@epa.gov>; Sanders, Amy <Sanders.Amy@epa.gov>; Colvin, Charles <Colvin.Charles@epa.gov>; Meyer, Dale <meyer.dale@epa.gov>  
**Subject:** RE: Situation at Grose Ile

From a timekeeping stand point, we need to consider the Leave Manual (still in effect) which states'

"It is within the discretion of the head of an operating facility or his/her designee, to excuse the absence of employees due to emergency conditions for up to five workdays for one or more incidents of emergency within a 30 calendar day period. This discretionary authority should be exercised only where (a) conditions at the place of work are clearly inadequate; (b) employees are or would be prevented from reporting to work despite reasonable efforts or (c) local government officials have requested that operations be shutdown because of emergency conditions."

We also need to consider the MassMailer (attached) which discussed the Administrative Leave Act of 2016 and FAQs.

Applicable FAQs

4. *Question:* What impact does the Act have on employees with telework agreements?

*Answer:* Under section 6329c(b) of the Act, as reflected in OPM regulations, an agency may grant weather and safety leave only if an employee is prevented from safely traveling to or performing work at an "approved location" due to an act of God, a terrorist attack, or another condition that prevents an employee or group of employees from safely traveling to or safely performing work at an approved location. An agency will be unable, in most circumstances, to grant weather and safety leave to an employee who is a telework program participant and able to safely perform telework at the employee's home. This new provision will apply regardless of agency policy, collective bargaining agreements, and what is (or is not) stated in the employee's telework agreement.

**8. Question: What happens if an early or immediate departure is announced?**

**Answer:** Employees depart a set number of hours earlier than their normal departure times and will be granted weather and safety leave for the number of hours remaining in their workday. Telework program participants working in the office when an early departure is announced may receive weather and safety leave only for the amount of time required to commute home. This means that telework program participants must complete the remaining time in their workday by either teleworking or requesting other appropriate leave (e.g., annual leave, leave without pay, etc.) once they arrive home, unless one of the exceptions under 5 CFR 630.1605(a)(2) applies. Employees who were already performing telework when an early departure announcement is made must continue to telework or request unscheduled leave, or a combination of both.

Also of note PeoplePlus has not been updated to incorporate Weather and Safety leave yet. I would think employees would charge Admin Leave COOP.

Whether or not Jason El-Zein would be considered "head of an operating facility or his/her designee" and had the authority to send employees home is not for me to address. However; once the decision was made;

1. Employees that have an approved flexiplace agreements in place (episodic or regular) would be granted admin leave for the transit time to their residence (AWL) and then be required to telework for the remainder of their scheduled work day.
2. Employees that do not have an approved flexiplace agreement in place would be granted admin leave for the remainder of their scheduled work day.

***Richard Marlinga***

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**From:** Newton, Cheryl

**Sent:** Tuesday, July 10, 2018 1:19 PM

**To:** Short, Thomas <[short.thomas@epa.gov](mailto:short.thomas@epa.gov)>; Ballotti, Doug <[ballotti.douglas@epa.gov](mailto:ballotti.douglas@epa.gov)>

**Cc:** Sypniewski, Bruce <[sypniewski.bruce@epa.gov](mailto:sypniewski.bruce@epa.gov)>; Sanders, Amy <[Sanders.Amy@epa.gov](mailto:Sanders.Amy@epa.gov)>; Colvin, Charles <[Colvin.Charles@epa.gov](mailto:Colvin.Charles@epa.gov)>; Marlinga, Richard <[marlinga.richard@epa.gov](mailto:marlinga.richard@epa.gov)>

**Subject:** RE: Situation at Grose Ile

Thanks Tom – Absent fire/smoke/other similar must take action now conditions, consultation is key. If I understand your description, no one felt the need to elevate to Jason behind his closed door all morning. So, I'm not sure I understand your reference to having people stand outside to await instructions. Ideally at any time this morning someone would have raised and engaged anyone in RMD, but especially Marc or John H or even John G. As is being done now, information about the project and the materials, and a review of the MSD sheets could quickly have been done, letting us know if we have a safety or a nuisance concern. From there we could have determined the best course of action, with the right level of instructions to everyone. And this would happen as quickly as the facts dictate using whomever is available. Of most concern is that decisions were made for a group of SF employees, yet there are other

employees stationed there. Other questions include the fact I don't believe people can claim duty time for their drive home; that has implications for people's schedules. Do they know this? I imagine there will be other details folks will need to sort out to address what happened today and if there is a decision to be made for tomorrow. Again, I can only stress consultation and that Jason should know he can/should reach directly out to RMD in such situations. Thanks

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**From:** Short, Thomas

**Sent:** Tuesday, July 10, 2018 12:46 PM

**To:** Newton, Cheryl <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>; Ballotti, Doug <[ballotti.douglas@epa.gov](mailto:ballotti.douglas@epa.gov)>

**Cc:** Sypniewski, Bruce <[sypniewski.bruce@epa.gov](mailto:sypniewski.bruce@epa.gov)>; Sanders, Amy <[Sanders.Amy@epa.gov](mailto:Sanders.Amy@epa.gov)>; Colvin, Charles <[Colvin.Charles@epa.gov](mailto:Colvin.Charles@epa.gov)>; Marlinga, Richard <[marlinga.richard@epa.gov](mailto:marlinga.richard@epa.gov)>

**Subject:** RE: Situation at Grose Ile

I agree.

This is on me. Jason called me a little while ago stating that work was being performed at the building, the work crew left for lunch without letting anyone know what was going on and there was a strong solvent odor in the building. There was no one for Jason to approach about what work occurred, what was creating the odor or when the issue would be resolved. Apparently the odor problem had been going on for a while and Jason didn't know until he opened his office door. Jason, instructed those working from him (expressing concern over the odor) that they could work remotely for the rest of the day and I instructed him to notify Don Bruce (Mary's supervisor) to discuss the situation with Mary Tierney, an out-stationed RPM, what she'd like to do given the situation and lack of information. Mary doesn't report to Jason so I didn't think it was appropriate for him to give direction to Mary to work remotely.

I should have thought to immediately call Marc, John, HR or Bruce but I didn't. I've pretty much been in meetings or scampering around trying to help people sort out hiring packages (not an excuse, just an explanation). I definitely agree should talk about how to deal with these situations in the future. Would it have been better to instruct staff to stand outside and wait for information?

Thomas Richard Short Jr.  
Acting Deputy Director  
Superfund Division  
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[short.thomas@epa.gov](mailto:short.thomas@epa.gov)

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**From:** Newton, Cheryl

**Sent:** Tuesday, July 10, 2018 12:13 PM

**To:** Ballotti, Doug <[ballotti.douglas@epa.gov](mailto:ballotti.douglas@epa.gov)>; Short, Thomas <[short.thomas@epa.gov](mailto:short.thomas@epa.gov)>

**Cc:** Sypniewski, Bruce <[sypniewski.bruce@epa.gov](mailto:sypniewski.bruce@epa.gov)>; Sanders, Amy <[Sanders.Amy@epa.gov](mailto:Sanders.Amy@epa.gov)>; Colvin, Charles <[Colvin.Charles@epa.gov](mailto:Colvin.Charles@epa.gov)>; Marlinga, Richard <[marlinga.richard@epa.gov](mailto:marlinga.richard@epa.gov)>

**Subject:** FW: Situation at Grose Ile

Hi Doug, Tom – Please note below. Folks are currently evaluating this immediate situation and several additional decisions will need to be made taking into account all of the points Marc notes and others I suspect. My note to you is to ensure that we have a clear understanding. Jason should not be making a decision to send his staff home in a vacuum. Absent a true emergency, there is a lot to consider with respect to such decisions, and what is described below would have benefitted from coordination with Marc/his folks, HR and/or Bruce and I. Please confirm we are on the same page for the future and/or if you'd like to discuss. Thanks

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**From:** Colvin, Charles

**Sent:** Tuesday, July 10, 2018 11:37 AM

**To:** Newton, Cheryl <[Newton.Cheryl@epa.gov](mailto:Newton.Cheryl@epa.gov)>

**Cc:** Sypniewski, Bruce <[sypniewski.bruce@epa.gov](mailto:sypniewski.bruce@epa.gov)>; Marlinga, Richard <[marlinga.richard@epa.gov](mailto:marlinga.richard@epa.gov)>; Haugland, John <[haugland.john@epa.gov](mailto:haugland.john@epa.gov)>; Glover, John <[Glover.John@epa.gov](mailto:Glover.John@epa.gov)>

**Subject:** Situation at Grose Ile

FYI,

Rick might receive a similar note from John Haugland. I am advised that ORD is doing some work at the Grosse Ile office, apparently related to the due diligence work in preparation to release the facility to GSA. There are some odors associated with the roof work, and Jason El-Zine has sent everyone to work from home. There was no consultation I am aware of leading into this decision by El-Zine. There could be an option to force ORD to shut down and have them do work after hours, but to my knowledge hasn't been discussed. There are others still working there, like our SEEs, and questions of them being sent home have come up. Sending them home could impact the building operations – that's for John Haugland and Jeff Borseth to determine. J. Glover is looking into what materials are being used and any potential health impacts. There will be some kind of recommendation what to do or say regarding all the remaining office occupants (CID, FWS, contractor, SEEs, FPS guard, etc.).

M